

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
California Department of Justice
3 1300 I Street, Suite 125
P.O. Box 944255
4 Sacramento, California 94244-2550
Telephone: (916) 324-5336
5 Facsimile: (916) 327-2247

6 Attorneys for Complainant

7
8 BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation Against: Case No. 1D 2001 62888

11 DAVID MOORE SANBORN
PO Box 603
12 Harford, Vermont 05047

A C C U S A T I O N

13 License No. AT 2940

14 Respondent.

15
16
17 Complainant alleges:

18 PARTIES

19 1. Steven Hartzell ("Complainant") brings this Accusation solely in his
20 official capacity as the Executive Officer of the Physical Therapy Board.

21 2. On or about December 9, 1992, the Physical Therapy Board issued
22 License Number AT 21426 to David Moore Sanborn ("Respondent"). At all times mentioned
23 herein said license was in full force and effect.



24 JURISDICTION

25 3. This Accusation is brought before the Physical Therapy Board, under the
26 authority of the following sections of the Business and Professions Code ("Code").

1 4. Section 2609 of the Code states:

2 The board shall issue, suspend, and revoke licenses and approvals to practice
3 physical therapy as provided in this chapter.

4 5. Section 2661.5 of the Code states:

5 (a) In any order issued in resolution of a disciplinary proceeding before
6  the board, the board may request the administrative law judge to direct any
7 licensee found guilty of unprofessional conduct to pay to the board a sum not to
8 exceed the actual and reasonable costs of the investigation and prosecution of the
9  case.

10 (b) The costs to be assessed shall be fixed by the administrative law judge
11 and shall not in any event be increased by the board. When the board does not
12 adopt a proposed decision and remands the case to an administrative law judge,
13 the administrative law judge shall not increase the amount of the assessed costs
14 specified in the proposed decision.

15 (c) When the payment directed in an order for payment of costs is not
16 made by the licensee, the board may enforce the order of payment by bringing an
17 action in any appropriate court. This right of enforcement shall be in addition to
18 any other rights the board may have as to any licensee directed to pay costs.

19 (d) In any judicial action for the recovery of costs, proof of the board's
20 decision shall be conclusive proof of the validity of the order of payment and the
21 terms for payment.

22 (e) (1) Except as provided in paragraph (2), the board shall not renew
23 or reinstate the license or approval of any person who has failed to pay all
24 of the costs ordered under this section.

25 (2) Notwithstanding paragraph (1), the board may, in its
26 discretion, conditionally renew or reinstate for a maximum of one year the

1 license or approval of any person who demonstrates financial hardship and
2 who enters into a formal agreement with the board to reimburse the board
3 within that one year period for those unpaid costs.

4 (f) All costs recovered under this section shall be deposited in the
5 Physical Therapy Fund as a reimbursement in either the fiscal year in which the
6 costs are actually recovered or the previous fiscal year, as the board may direct.

7 6. Section 141 of the Code states:

8 A(a) For any licensee holding a license issued by a board under the jurisdiction of
9 the department, a disciplinary action taken by another state, by any agency of the federal
10 government, or by another country for any act substantially related to the practice
11 regulated by the California license, may be a ground for disciplinary action by the
12 respective state licensing board. A certified copy of the record of the disciplinary action
13 taken against the licensee by another state, an agency of the federal government, or
14 another country shall be conclusive evidence of the events related therein.

15 A(b) Nothing in this section shall preclude a board from applying a specific
16 statutory provision in the licensing act administered by that board that provides for
17 discipline based upon a disciplinary action taken against the licensee by another state, an
18 agency of the federal government, or another country.@

19 CAUSE FOR DISCIPLINE

20 (Discipline imposed by another state)

21 7. Respondent is subject to disciplinary action under section 141 in that on or
22 about October 25, 2001, The Office of Allied Health Professionals, Physical Therapy Governing
23 Board, Concord, New Hampshire imposed discipline upon respondent=s license to practice
24 physical therapy in that state by issuing a Decision and Order revoking respondent=s license for
25 a two-year period ending October 25, 2003 and fining him \$250. The New Hampshire Board
26 found that respondent committed misconduct by giving false information on his renewal
27

1 application by indicating that he performed the continuing education as noted, when in fact he
2 did not.

3 Attached as Exhibit A and incorporated by reference is a true and correct copy of
4 the Decision and Order issued by the Physical Therapy Governing Board of the state of New
5 Hampshire, Docket # 01-01.

6 ///

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Physical Therapy Board of California issue a
10 decision:

- 11 1. Revoking or suspending License Number AT 2940, issued to David
12 Moore Sanborn;
- 13 2. Ordering David Moore Sanborn to pay the Physical Therapy Board the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 2661.5;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: August 23, 2002.

18
19
20 Original signed by Steven K. Hartzell
21 STEVEN HARTZELL
22 Executive Officer
23 Physical Therapy Board
24 State of California
25 Complainant
26
27